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### City of Eugene Initiative Process

This is a summary of the process for filing an **Initiative Petition** with the City of Eugene. For additional information, please contact AIC City Recorder, Beth Forrest.

#### What is an initiative?

The initiative is part of Oregon's system of direct legislation by the voters. In Eugene, an initiative petition may propose one of three different types of legislation:

- a revision of or amendment of the Eugene Charter;
- an ordinance enacting a law of a permanent or general character which creates policy, as opposed to executing policy already in existence; or
- a "protected" ordinance (in accordance with Eugene Charter of 2002, section 32-A)

Protected ordinances may be amended or repealed only by the electors or by unanimous vote of councilors present and voting at a council meeting. The prospective petition for a protected ordinance must include a statement declaring that the ordinance is proposed as a protected ordinance. The petition for a protected ordinance and any qualified ballot measure for a protected ordinance shall state that it is proposed as a protected ordinance and must explain the limitations on its repeal or amendment.

#### Who may file an initiative petition?

Any elector may initiate legislation by filing with the Eugene City Recorder a prospective initiative petition proposing new legislation and requesting that it be submitted to the electors of the city. The individual responsible for preparation and organization of an initiative petition is the "chief petitioner." Up to three persons may be designated as chief petitioners for any one initiative petition.

The steps for filing an initiative petition are summarized below.

### CHIEF PETITIONERS SUBMIT PROSPECTIVE INITIATIVE PETITION

Prior to circulation of an initiative petition, the chief petitioner(s) must submit the prospective initiative petition to the City Recorder's Office. The City Recorder shall review the prospective initiative petition for sufficiency as to form, and advise the petitioners of the election filing deadline (Eugene Code Section 2.973). The prospective initiative petition must include the following:

**1. A copy of the proposed legislation.** If this proposed legislation is passed by the voters, the exact wording as presented at this time will become the adopted law. It is strongly recommended that petitioners seek the advice of an attorney prior to submitting the proposed legislation to ensure that what is proposed is legislative in nature and does not conflict with existing State and Federal laws.

**2. State Form SEL 370 Prospective Petition for Local Measure.** This form requests that the City Attorney prepare a ballot title. The form must include a statement designating the names and addresses of not more than three persons or entities as chief petitioners. If the chief petitioner is an organization, its

name and address, and the addresses of each of the principal officers of the organization, must be provided (Eugene Code Section 2.974).

**3. State Form SEL 301 Statement One or More Petition Circulators Will/Will Not Be Paid.** (Eugene Code Section 2.973) The chief petitioners shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the initiative petition.

#### BALLOT TITLE

On the next business day, the City Recorder will provide a copy of the prospective petition to the City Attorney. Within 5 business days, the City Attorney will review the text of the proposed legislation for legal sufficiency and, if appropriate, issue a ballot title (caption, question, and summary of the proposed measure). Unless a successful appeal is filed, this text will appear on the ballot at the election for the initiative petition (Eugene Code Section 2.977). Petitioners **may not** obtain any petition signatures until the ballot title is final and they have obtained written approval to circulate petitions from the City Recorder.

#### APPEAL OF BALLOT TITLE

Upon receipt of the ballot title, the City Recorder publishes a notice that it has been received in the next available edition of the *Register-Guard*. Any elector dissatisfied with the ballot title may, within 7 business days after it is delivered to the City Recorder's Office, petition the Lane County Circuit Court requesting a different ballot title and stating why the ballot title prepared by the City Attorney is unsatisfactory. The court will make the final determination of the ballot title, question, and summary that shall appear before the voters at the election.

#### REVIEW OF COVER AND SIGNATURE SHEETS

The City Recorder will notify the chief petitioners when the final ballot title has been determined, and only then may chief petitioners begin the cover and signature sheet approval process by submitting a draft of the cover and signature sheets to the City Recorder for review and approval. No signatures may be gathered until the approval process has been completed. Cover and signature sheets must include the following:

1. **Cover Sheet**, which must contain the following and be on the reverse side of each signature sheet (EC 2.975):
  - a. Instructions to circulators and signers.
  - b. Ballot title, question and explanation as it will appear at the election.
  - c. Names and residence addresses of Chief Petitioners.
  - d. An attached copy of the complete and correct text of the proposed legislation.
2. **SEL 371 or 373 Signature Sheet**, which must contain the following:
  - a. The 10 word (or less) Ballot Caption.
  - b. A clear statement as to whether petition circulators are being paid. State Form SEL 373 is to be used if some circulators are being paid. State Form SEL 371 may be used if no circulators are being paid.

#### CIRCULATORS COLLECT SIGNATURES

**Number of signatures required to place an initiative petition on the ballot:**

An initiative petition requires 15 percent of the number of votes cast for mayor at the most recent mayoral election preceding the date when circulation of the petition begins. Based on the November 4, 2008, election, the number of signatures required is **12,062**, who must be registered voters in Eugene.

Many signatures are rejected during the verification process because they are illegible, duplications, or the electors do not reside within the boundaries of the City of Eugene. Therefore, petitioners are advised to collect at least 10 percent more signatures than are required (an additional 1,206 or total of 13,268) in order to increase the likelihood of having enough valid signatures to meet the requirement.

**Time limit for collection of signatures:**

As specified in Eugene Code Section 2.974(c), the first signature on the petition must be collected no later than 90 days after the issuance of the final ballot title.

If the petitioners fail to begin collecting signatures within the 90 days, the petition is void. The petitioners may file again at any time.

**Time limit for filing petition:**

The petition must be submitted to the City Recorder's Office no later than 100 days after the date the first signature on the petition is collected (Eugene Code Section 2.974(d)).

**CHIEF PETITIONERS SUBMIT PETITION SIGNATURE SHEETS FOR VERIFICATION**

When the chief petitioners submit the completed initiative petition to the City Recorder's Office, the City Recorder counts and examines each sheet to determine whether the circulator's certification is sufficient. Please note that each sheet must include a signed statement by the circulator that he/she personally witnessed each individual's signing.

After completing this process, the City Recorder forwards the petition signature sheets to Lane County Elections. The elections division, acting on behalf of the City, shall verify the legality of the signatures within 15 calendar days of the filing date (Eugene Code Section 2.979(1)).

As specified in Eugene Code Section 2.979(2), if the required number of signatures exceeds 4,500, the statistical sampling technique is used to verify whether a petition contains the required number of signatures.

**PETITIONERS FILE STATEMENT OF ORGANIZATION & FINANCIAL REPORTS**

Oregon law requires that chief petitioners register with the Oregon Secretary of State and file reports of all financial transactions. To register, the treasurer or Chief Petitioner must file a Statement of Organization for a Chief Petitioner Committee using the Oregon Secretary of State's electronic filing system, ORESTAR, or completing the paper form (SEL 222), and filing it with the Elections Division either by mail, fax, or hand-delivery. The form may be downloaded from the Election Division's website at [www.oregonvotes.org](http://www.oregonvotes.org). The City Recorder assigns the petition itself an identification number to use for this filing. The Elections Division assigns another identification number to the Chief Petitioner Committee.

Registration must occur within 3 business day of first receiving a contribution or making an expenditure, but no later than the date the petition is approved for circulation. The City Recorder cannot approve cover and signature sheets for circulation until a Statement of Organization has been filed.

If the petition qualifies to the ballot and will subsequently be voted on at an election, any group, including the chief petitioner committee, that intends to support or oppose the measure, must register as a political committee with the Oregon Elections Division. Please note that a group formed to support or oppose a petition that is not yet a measure on a ballot is not a political committee.

On request, the City Recorder's Office will provide the *2010 State of Oregon Campaign Finance Manual*. Information is available on the Oregon Elections Division Website at [http://www.sos.state.or.us/elections/publications/cf\\_manual.html](http://www.sos.state.or.us/elections/publications/cf_manual.html)

**ELECTION****Placement on an election:**

As specified in Eugene Code Section 2.981, an initiative that is certified to have sufficient signatures will be voted on at the first primary or general election to be held not sooner than 90 days after the certification, with the following exceptions.

- (1) If the initiative is an ordinance and not a charter amendment, the council may choose to adopt it without forwarding it to an election.
- (2) The council may choose to place the initiative on an earlier election. The special election may not be held earlier than 66 days after certification of the petition.

**Timing of effect:**

Unless specified otherwise in the proposed legislation, an initiative approved by the voters shall take effect immediately upon the mayor's proclamation that the measure has passed (Eugene Code Section 2.986).

Eugene Code Sections pertaining to the initiative process and copies of all forms referred to in these instructions are included with this packet:

Eugene Code Chapter 2 Sections 2.960-2.1005

SEL 370 Prospective Petition for Local Initiative/Referendum Measure

SEL 301 Statement One or More Petition Circulators Will/Will Not be Paid

Petition Cover Sheet – SAMPLE only

SEL 371 Petition Signature Sheet for Local Measure - No Circulators Being Paid

SEL 373 Petition Signature Sheet for Local Measure - Some Circulators Being Paid